



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Ser. No.: 09/768,913

Group Art Unit: 2173

Filing Date: 01/24/2001

Examiner: CAO H. NGUYEN

Attorney Docket Number US010026

Inventor Name(s): KURAPATI ET AL.

Title: METHOD OF SELLING A PERSONALIZED PRODUCT AND APPLYING A  
DECORATION TO AN OBJECT

Commissioner for Patents  
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APPEAL BRIEF

Sir:

This is an appeal from the final rejection of Claims 1-32.

I. REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics, N.V., a corporation of the Netherlands.

II. RELATED APPEALS AND INTERFERENCES

Applicant is not aware of any related appeals or in interferences.

III. STATUS OF CLAIMS

Claims 1-32 stand rejected under 35 USC section 103(a) over US Pat No. 6,481,011 B1 ("Lemmons") in view of US Pat. No. 6,020,883 ("Herz").

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#### IV. STATUS OF AMENDMENTS

There were comments, but no amendments, under rule 116.

#### V. SUMMARY OF THE INVENTION

The invention relates to the field of user interfaces, and, in particular, an interface for a recommender system. There are also claims to a system including the user interface.

The interface comprises a display screen having a first region (20, 30, 40) -- spec p. 4, 1<sup>st</sup> par) and a second region (50 – spec. p. 4, 1<sup>st</sup> par). The first region is for displaying a rating. The rating is derived from a preference profile. The second region is for displaying preference settings in the profile, which were used to derive the rating. The settings (54a-54f) can be changed if the rating derived by the profile is incorrect.

The claimed interface has the functional advantage that the basis for an incorrect rating can be quickly identified and corrected.

The dependent claims will be discussed in the argument section.

#### VI. THE ISSUES

Are the art rejections correct?

#### VII. GROUPING OF THE CLAIMS

The claims do not stand or fall together.

## VIII. THE ARGUMENT

Since the references are both long and complex, Applicants will discuss only those portions pointed to by the Examiner. Applicants make no representation about the contents of other portions of the references, except as indicated below.

The rejections are generally traversed, because the Examiner misconstrues the references. Applicants will explain these misconstructions in more detail below.

### Claims 1 & 19

Claim 1 recites a user interface. The interface comprises a display screen having first and second regions. The first region displays a rating derived from a previously defined profile. The second region displays preference settings which were used to derive the rating.

Against the first region, the Examiner cites col. 6, lines 3-56 of Lemmons. Applicants have reviewed this column and find no teaching or suggestion of regions of a user interface as claimed by Applicants.

Moreover, as far as Applicants can tell, this text is associated with the flow chart of Fig. 2 of Lemmons. This flow chart allows a user to choose display criteria. While these display criteria might hypothetically be interpreted as preference settings, per Applicants' claim; the flow chart fails to teach or suggest displaying a rating derived from a from these display criteria. It is not clear from this flowchart how the results of the display criteria will be presented in a user interface at all.

Against the second region, the Examiner cites Lemmons col. 7, lines 23-53. This section refers to Figures 4 and 5. These figures do show user interfaces, but they are only user interfaces

for gathering information from the user. This is the same information referred to Figure 2, namely choices of display criteria. Ratings derived from display criteria or preference settings are not displayed on the same screen with this interface that gathers information from the user.

Accordingly, both portions of Lemmons pointed to by the Examiner relate to gathering display criteria, which might be interpreted to form a profile. Neither section relates to display of a *rating based* on a profile as claimed by Applicants. Ultimately, there may be a rating based on the criteria specified in accordance with Lemmon's figures 2, 4, and 5; BUT there is no teaching or suggestion that such a rating will be displayed in a user interface together with the criteria used to form the rating.

Moreover there is no teaching or suggestion that the portions of Lemmons cited by the Examiner relate to first and second regions of a display screen.

Accordingly, Applicants respectfully submit that Lemmons fails to teach or suggest the claimed first and second regions, contrary to the assertions of the Examiner.

The Examiner admits that Lemmons fails to teach or suggest changing preference settings if the rating derived by the profile is incorrect. For this assertion, he cites Herz, col. 13, lines 53-67. However, this section of Herz only relates to changing preference settings. As far as Applicants can tell from reading the cited portion, the preference settings are not changed if the rating derived by a profile is incorrect. They are simply changed for good measure on the assumption that preferences will change over time. Accordingly, Applicants respectfully submit that Herz fails to stand for the proposition that the Examiner cites it for.

Accordingly, the Examiner has failed to present a *prima facie* case against claim 1.

Claim 19 is analogous to claim 1 with respect to the arguments discussed above.

### Claims 3 and 21

This claim recites that the profile is implicit-based. Implicit, as explained in the specification on page 1, 3<sup>rd</sup> par., relates to developing a profile based on a viewer's viewing behavior, rather than asking the viewer to consciously select preference settings or display criteria.

Against this recitation, the Examiner cites Lemmons col. 8, lines 6-51. As far as Applicants can tell, this section of Lemmons still relates to explicit types of recommendation. The user selects the program and then is shown criteria relating to the program which the user may add to display criteria. This is not a true implicit profile.

Accordingly, Applicants respectfully submit that the Examiner has not made a prima facie case against claim 3.

Claim 21 is analogous to claim 3.

### Claims 4 & 22

Claim 4 depends from claim 1 and recites a third region of the display screen. The third region displays a rating derived from a previously defined second profile.

Against this recitation, the Examiner cites column 9 of Lemmons. This section of Lemmons explains gathering further information from the user regarding how to format the display of recommendations, e.g. what colors to use. As far as Applicants can tell from reading this text, it appears that ultimately the user interface that displays the ratings will be a list of programs with ratings and colors. There is no teaching or suggestion that that interface will have

a display screen with three regions as claimed; much less 3 regions with first and second ratings and preference settings used to establish the first rating, respectively.

Accordingly, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case against claim 4.

Claim 22 is analogous to claim 4.

#### Claims 5 & 23

Claim 5 depends from claim 4 and recites that the profile is an explicit-based preference profile and the second profile is an implicit-based preference profile. The definitions of implicit- and explicit-based profiles are set forth on the first page of the specification.

Against this recitation, the Examiner cites column 10, lines 9-67 of Lemmons. This section of the reference allows for profiles from different users to be displayed simultaneously. Applicants are unable to find any teaching or suggestion that one of the profiles displayed would be implicit-based and another would be explicit-based. The multiply displayed profiles seem to be all explicit-based. What is different about them is that they relate to different users, not that they were derived according to different methods.

Accordingly, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case against claim 5.

Claim 23 is analogous to claim 5.

#### Claims 6 & 24

Claim 6 depends from claim 4 and recites a fourth region of the display screen. The

fourth region displays preference settings in the second profile which were used to derive the rating.

The Examiner fails to indicate what allegedly is the fourth region of the display screen in the reference. However since the rejections of the prior claims failed to demonstrate that the references teach or suggest three regions, *a fortiori* the Examiner has failed to demonstrate that they teach or suggest a fourth region.

Accordingly, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case against claim 6.

Claim 24 is analogous to claim 6.

#### Claims 7 and 25

These claims distinguish even more clearly over the references by indicating that the preference settings displayed in the fourth region can be changed if the rating derived by the profile is incorrect. The reference shows changing a profile – however this change is in a separate user interface, not in a fourth region of a user interface containing 3 other regions as recited in the claims from which 7 depends.

Accordingly, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case against claim 7.

Claim 25 is analogous to claim 7.

#### Claims 28 and 29

Claim 28 distinguishes even more clearly over the references than claim 1, because it

clarifies that the preferences are changeable by the user viewing the first and second regions and specifying the change with respect to the second region of the display screen. The Examiner has failed to indicate where this limitation is allegedly taught or suggested by the references.

Accordingly the Examiner has failed to make a *prima facie* case against this claim.

Claim 29 is analogous to claim 28.

#### Claims 30 and 32

Claim 30 distinguishes over the references even more clearly than claim 4, because it clarifies that the first and second profile both relate to the same user, unlike the cited portion of the references where the profiles relate to different users. The Examiner has failed to indicate where this limitation is allegedly taught or suggested by the references. Accordingly the Examiner has failed to make a *prima facie* case against this claim.

Claim 32 is analogous to claim 30.

#### Claim 10

Claim 10 differs from the other independent claims in that it does not recite regions of a display screen. However, like claim 1, claim 10 recites displaying a rating derived from a previously defined preference profile, displaying preference settings in the profile which were used to derive the rating, and enabling the user to change at least one of the preference settings.

As explained before, Herz and Lemmons allow the user to change preference settings, but do not display a rating and preference settings from which the rating was derived.

Accordingly, Applicants respectfully submit that the Examiner has failed to present a



*prima facie* case against claim 10.

Claims depending from claim 10

Claim depending from claim 10	Similar claim depending from claim 1
12	3
13	4
14	5
15	6
16	7
31	30

The claims depending from claim 10 cannot be truly said to be analogous to those depending from claims 1 and 19, because they do not recite regions of a user interface. Nevertheless they are similar to the other dependent claims in terms of the information which is recited to be displayed.

Applicants respectfully submit that the Examiner has failed to make a *prima facie* case against these claims, because he merely groups them with the other claims, without reading them on the references, despite their language differences.

Office action, page 5, paragraph 2

In the claim language, the term “rating” is explicitly limited to a rating derived from a profile (per independent claims 1, 10, & 19). Against this recitation of a rating, in section 3 of the Office Action, the Examiner cites portions of Lemmons relating to ratings that do not come

from a profile. Instead, they come from the broadcaster and are based on standards of child-suitable content or types of programming. This type of rating fails to teach or suggest a rating as defined in the claims.

Office Action page 6, paragraph 1

In this paragraph, which is worded in a somewhat confusing fashion, the Examiner appears to cite first and second regions in Lemmons; but, as explained before, Lemmons fails to teach or suggest a display screen with first and second regions.

In the second sentence of this paragraph, the Examiner appears to admit that the claim is not taught or suggested by the references and concludes without support in the reference that it is obvious. The conclusion lacks support, because the reference — at least as cited by the Examiner — fails to teach or suggest the proposition for which the Examiner cites it.

The Examiner mentions, at the end of the paragraph, a functional advantage of a system as claimed. However this functional advantage is not taught or suggested by the references. It can only be derived from impermissible hindsight in view of Applicants' disclosure.

Page 6 of the office action, second paragraph

The portion of Herz cited here by the Examiner allows the user to change a rating; however, this does not teach or suggest allowing a user to change a preference setting used to derive the rating.

Page 7 of the office action, second paragraph

The portion of Lemmons cited here by the Examiner relates to a third approach. A third *approach* fails to teach or suggest a third region of a display screen. The third approach is an alternative. The claim recites a display screen including three regions. Three approaches fail to teach or suggest three regions of a display screen. Three approaches suggest three different and alternative display screens .

The Examiner cites a number of different options from Lemmons. These options all relate to changing display criteria, which may hypothetically be considered preference settings. However it is not clear at all how changing all these display criteria relates to the claims. The claims do not merely recite changing preference settings. Even if this section of Lemmons may hypothetically be interpreted as allowing the user to change preference settings —there is no display of a rating derived from those preference settings on the screen at the time the preference settings are being changed. Accordingly, this section of Lemmons fails to teach or suggest the claimed invention.

Bottom of page 7 of the office action through page 8

The Examiner recites a long list of display criteria here relating to different profiles – but he fails to indicate how these show that one profile is explicit-based and another implicit-based. Indeed, as far as Applicants can tell, all of the criteria relate to an explicit-based profile.

## IX. CONCLUSION

Applicants respectfully submits that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

Respectfully submitted,

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## X. APPENDIX

1 1. (original) A user interface for a recommender system, the user interface comprising:  
2 a display screen having:  
3 a first region for displaying a rating derived from a previously defined preference  
4 profile contained in the recommender system; and  
5 a second region displaying preference settings in the profile which were used to  
6 derive the rating;  
7 wherein the preference settings can be changed if the rating derived by the profile  
8 is incorrect.

2. (original) The user interface according to claim 1, wherein the profile is an explicit-based preference profile.

3. (original) The user interface according to claim 1, wherein the profile is an implicit-based preference profile.

1 4. (original) The user interface according to claim 1, further comprising a third region for  
2 displaying a rating derived from a previously defined second profile contained in the  
3 recommender system.

5. (original) The user interface according to claim 4, wherein the profile is an explicit-based

preference profile and the second profile is an implicit-based preference profile.

6. (original) The user interface according to claim 4, further comprising a fourth region displaying preference settings in the second profile which were used to derive the rating.

7. (original) The user interface according to claim 6, wherein the preference settings displayed in the fourth region can be changed if the rating derived by the profile is incorrect.

8. (original) The user interface according to claim 1, wherein the second region further enables features to be added to the profile.

1 9. (original) The user interface according to claim 1, wherein the recommender comprises a  
2 television show recommender and the preference profile comprises a television show viewing  
3 preference profile.

1 10. (original) A method for correcting a previously defined preference profile used in a  
2 recommender system to more accurately reflect a user's preferences, the method comprising the  
3 steps of:

4 displaying a rating derived from the previously defined preference profile;  
5 displaying preference settings in the profile which were used to derive the rating; and  
6 enabling the user to change at least one of the preference settings if the rating derived by  
7 the profile is incorrect.

11. (original) The method according to claim 10, wherein the profile is an explicit-based preference profile.

12. (original) The method according to claim 10, wherein the profile is an implicit-based preference profile.

13. (original) The method according to claim 10, further comprising displaying a rating derived from a previously defined second profile contained in the recommender system.

14. (original) The method according to claim 13, wherein the profile is an explicit-based preference profile and the second profile is an implicit-based preference profile.

15. (original) The method according to claim 13, further comprising displaying preference settings in the second profile which were used to derive the rating.

1 16. (original) The method according to claim 15, further comprising the step of enabling the  
2 user to change at least one of the preference settings in the second profile if the rating derived by  
3 the second profile is incorrect.

17. (original) The method according to claim 10, further comprising the step of enabling the user to add features to the profile.

1 18. (original) The method according to claim 10, wherein the recommender comprises a  
2 television show recommender and the preference profile comprises a television show viewing  
3 preference profile.

1 19. (original) A recommender system comprising:

2 a preference profile;

3 a user interface including a display screen having:

4 a first region for displaying a rating derived from the profile; and

5 a second region displaying preference settings in the profile which were used to  
6 derive the rating;

7 wherein the preference settings can be changed if the rating derived by the profile  
8 is incorrect.

20. (original) The recommender system according to claim 19, wherein the profile is an explicit-  
based preference profile.

21. (original) The recommender system according to claim 19, wherein the profile is an  
implicit-based preference profile.

1 22. (original) The recommender system according to claim 19, further comprising a second  
2 preference profile and a third region for displaying a rating derived from the second preference



3 profile.

23. (original) The recommender system according to claim 22, wherein the profile is an explicit-based preference profile and the second profile is an implicit-based preference profile.

1 24. (original) The recommender system according to claim 22, further comprising a fourth  
2 region displaying preference settings in one of the profiles which were used to derive the  
3 corresponding rating.

25. (original) The recommender system according to claim 24, wherein the preference settings displayed in the fourth region can be changed if the rating derived by the profile is incorrect.

26. (original) The recommender system according to claim 19, wherein the second region further enables features to be added to the profile.

1 27. (original) The recommender system according to claim 19, wherein the recommender  
2 comprises a television show recommender and the preference profile comprises a television show  
3 viewing preference profile.

1 28. (previously presented) The interface of claim 1, wherein the preferences are changeable by a  
2 user viewing the first and second regions and specifying the change with respect to the second  
3 region of the display screen.

1 29. (previously presented) The interface of claim 19, wherein the preferences are changeable by  
2 a user viewing the first and second regions and specifying the change with respect to the second  
3 region of the display screen.

30. (previously presented) The system of claim 4, wherein first and second profile both relate to  
the same user.

31 (previously presented) The system of claim 13, wherein first and second profile both relate to  
the same user.

32. (previously presented) The system of claim 22, wherein first and second profile both relate to  
the same user.